THE MANITOBA HUMAN RIGHTS COMMISSION



LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

April 3, 2000

The Honourable Gord Mackintosh
Minister of Justice and Attorney General
Room 104, Legislative Bldg.
450 Broadway
Winnipeg, Manitoba

Dear Minister Mackintosh:

In accordance with Section 20(1), I am pleased to provide you with this annual report on the administration of The Discriminatory Business Practices Act for the fiscal year ending on March 31, 2000.

Yours truly,

D Scarth

Dianna Scarth
Executive Director

Att. (1)

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DISCRIMINATORY BUSINESS PRACTICES ACT

ANNUAL REPORT

Fiscal year ending March 31, 2000

Introduction:

The Discriminatory Business Practices Act was proclaimed into law in Manitoba on October 1, 1988.

It prohibits certain business practices which would otherwise result in discrimination on the basis of race, creed, color, nationality, ancestry, place of origin, sex or geographical location (which are referred to in the legislation as "attributes").

For the purpose of The Act, it is a discriminatory business practice

> *(a) to refuse to engage in business with a second person or to refuse or fail to employ, appoint or promote a second person or to dismiss or suspend a second person from employment, where the refusal, failure, dismissal or suspension*
>
> > *(i) is on account of an attribute of the second person, or of a third person with whom the second person engages in business, has engaged in business, or may engage in business, and*
> >
> > *(ii) is a condition of the engaging in business of the person refusing, failing, suspending or dismissing and another person; or*
>
> *(b) to enter into a contract that includes a provision that one of the parties to the contract will refuse to engage in business with a second person or will refuse or fail to employ or promote or will dismiss or suspend from employment a second person on account of an attribute of the second person or of a third person with whom the second person engages, has engaged or may engage in business.*

The Act also prohibits activities which would facilitate or support such practices including the provision of information about the attributes of a person; the provision of statements confirming that goods or services did not originate from a specific location, territory, or country; and the provision of information about a person's involvement with charitable, fraternal or service organizations.

In addition, The Act requires that requests to engage in a discriminatory business practice or other prohibited conduct be reported to the director (Executive Director of the Manitoba Human Rights Commission). The director may also receive complaints and may initiate an investigation if there is reason to believe that a contravention of The Act has occurred or is about to occur.

Where there are reasonable and probable grounds to believe that a person has contravened The Act, the director may order the person to comply or to discontinue the contravention. The Act also provides for assurances of voluntary compliance.

In some circumstances, breaches of the legislation may lead to prosecution and a fine of up to $50,000.

Annual Report

Section 20(1) of The Act requires the director to "report annually within three months after the end of each fiscal year to the minister on the administration of this Act..." and sets out in subsection (a) through (d) the matters which must be addressed in the report. Section 20(2) directs the minister to table the report before the Legislative Assembly.

During the fiscal year 1998-99, no reports were received by the director and no complaints were registered. There is, therefore, nothing to report under subsections (a) through (d).

The information sheet on The Discriminatory Business Practices Act continues to be available for distribution.

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